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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,488	02/21/2006	Klemens Neunteufl	66376-375-7	3490
25269	7590 12/07/2006		EXAM	INER
	OSSETT PLLC	HOANG, JOHNNY H		
FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			3747	
			DATE MAILED: 12/07/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

		NI NI			
	Application No.	Applicant(s)			
	10/564,488	NEUNTEUFL ET AL.			
Office Action Summary	Examiner	Art Unit			
	Johnny H. Hoang	3747			
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wi	th the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REI WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the may earned patent term adjustment. See 37 CFR 1.704(b).	B DATE OF THIS COMMUNIC R 1.136(a). In no event, however, may a re- iod will apply and will expire SIX (6) MONin atute, cause the application to become AB.	CATION. eply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 21	1 February 2006.				
2a) ☐ This action is FINAL . 2b) ☐ T	This action is FINAL . 2b) This action is non-final.				
3) Since this application is in condition for allow	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice unde	er <i>Ex par</i> te Quayle, 1935 C.D	. 11, 453 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>21-41</u> is/are pending in the applica	ition.				
4a) Of the above claim(s) is/are without	drawn from consideration.				
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8)⊠ Claim(s) <u>21-41</u> are subject to restriction and	d/or election requirement.				
Application Papers					
9)☐ The specification is objected to by the Exam	iner.				
10) The drawing(s) filed on is/are: a) a	accepted or b) objected to b	by the Examiner.			
Applicant may not request that any objection to t	he drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the core					
11) ☐ The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
 12) ☐ Acknowledgment is made of a claim for fore a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents 		119(a)-(d) or (f).			
Certified copies of the priority docume	ents have been received in A _l	pplication No			
Copies of the certified copies of the p	riority documents have been	received in this National Stage			
application from the International Bur					
* See the attached detailed Office action for a l	list of the certified copies not i	received.			
Attachment(s)					
1) Notice of References Cited (PTO-892)		ummary (PTO-413)			
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date)/Mail Date Iformal Patent Application			

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 21-27, drawn to operating an internal combustion engine with homogeneous fuel combustion, classified in class 701, subclass 105.
 - II. Claims 28-35, drawn to operating an internal combustion engine which is switched between a first and second mode of operation as a function of at least one characteristic engine operation parameter, classified in class 123, subclass 295.
 - III. Claim 36, drawn to a measurement or calculation of temperature before and/or after the exhaust after-treatment system, classified in class 60, subclass 295.
 - IV. Claims 37-41, drawn to a method of controlling air/fuel ratio and fuel injection of an internal combustion engine, classified in class 701, subclass 103.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions of group (I), group (II), group (III) and group (IV) are related as subcombinations disclosed as usable together in a single combination since each one may be used alone or with other data processing systems. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of groups (I), (II), (III), and (IV) being related as subcombinations usable together with each capable of use. See MPEP § 806.05(d).

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Because these inventions are distinct for the reasons given above and the search required for group (I) is not required for group (II), restriction for examination purposes as indicated is proper.

- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny H. Hoang whose telephone number is (571) 272-4843.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephens K. Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHH December 4, 2006 Johnny H. Hoang Examiner Art Unit 3747

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STEPHEN K. CRONIN SUPERVISORY PATENT EXAMINER